

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Glasgow, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Caperton, Mauzy, Santiesteban.

Absent: Harris.

Absent-excused: Washington.

The bill was read third time and was passed.

#### MEMORIAL RESOLUTION

**S.R. 86** - By Parmer: Memorial resolution for Robert Keen.

#### WELCOME AND CONGRATULATORY RESOLUTIONS

**H.C.R. 44** - (Brown): Commending the Sam Houston Area Council of the Boy Scouts of America.

**S.R. 85** - By Mauzy: Commending the South Oak Cliff Lady Bears.

**S.R. 87** - By Caperton: Extending welcome to Dr. Stephen Benold, Capitol Physician for the Day.

**S.R. 88** - By Washington: Commending the National Black Law Students Association.

#### ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:07 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

#### APPENDIX

Signed by the Governor  
(February 4, 1985)

**H.C.R. 22**

**H.C.R. 26**

Signed by the Governor  
(February 5, 1985)

**S.B. 90** (Effective immediately)

#### SEVENTEENTH DAY

(Thursday, February 7, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President Pro Tempore Farabee.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Absent-excused: Glasgow, Washington.

**S.B. 371** by Brooks, Truan Health and Human Resources  
Relating to funding for child abuse and neglect prevention programs and to the  
establishment of the Council on Child Abuse and Neglect.

**S.B. 386 by Mauzy** Jurisprudence  
Relating to the award of attorney's fees in certain family violence cases.

**S.B. 387** by Howard, Traeger, Economic Development  
McFarland, Sims, Jones, Brown, Henderson, Montford, Sharp, Edwards, Caperton,  
Farabee, Glasgow, Leedom, Brooks, Blake  
Relating to the creation, administration, powers, duties, and financing of the Texas  
Public School Retired Employees Group Insurance Program.

**S.B. 388** by Howard, Traeger, Economic Development  
McFarland, Sims, Jones, Brown, Henderson,  
Glasgow, Leedom, Brooks, Blake  
Relating to the creation, administration, powers, duties, and financing of the Texas  
Public School Employees Group Insurance Program.

**S.B. 389** by Glasgow Finance  
Relating to personal property exempt from the satisfaction of debts.

**S.B. 391** by Barrientos Criminal Justice  
Relating to presumptions applicable to the offense of evading arrest and to the  
penalties imposed on conviction of the offense.

(President in Chair)

### SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Howard.

Senator Howard moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

### NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Washington.

Justice of the Supreme Court of Texas: JUDGE RAUL A. GONZALEZ, San Patricio County.

Member, Industrial Accident Board: MARGARET M. MAISEL, Bexar County.

Member, Texas State Board of Public Accountancy: OSCAR C. MASCORRO, Bexar County.

Members, Nueces River Authority Board of Directors: SALVADOR ALMANZA, Atascosa County; CHARLES S. CARR, Zavala County.

Judge, 269th Judicial District, Harris County: HENRY E. ALLEE, Harris County.

Associate Justice of the 13th Court of Appeals: FORTUNATO (PETE) BENAVIDES, Hidalgo County.

Criminal District Attorney of Cass County: NEALE E. BIRMINGHAM, Cass County.

Judge, 351st Judicial District, Harris County: JAY W. BURNETT, Harris County.

Judge, 353rd Judicial District, Travis County: JOE B. DIBRELL, JR., Travis County.

Judge, 79th Judicial District, Brooks and Jim Wells Counties: ROMEO FLORES, Jim Wells County.

District Attorney, 355th Judicial District, Hood County: DAN B. GRISSOM, Hood County.

Judge, 260th Judicial District, Orange County: BUDDIE J. HAHN, Orange County.

Members, Motorcycle Operator Training and Safety Advisory Committee: FRED BARNEY, Tarrant County; GEORGIE BOND, Travis County; CARLOS D. GONZALEZ, Jim Wells County; JEAN HUDGINS, Galveston County; LORRIE LAING, Travis County; GENE WILKINS, Travis County; BOB WILLIAMS, Travis County.

#### **RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolution:

#### **S.C.R. 27**

#### **MOTION TO PLACE**

#### **COMMITTEE SUBSTITUTE SENATE BILL 227 ON SECOND READING**

Senator Traeger moved that Senate Rules 12 and 89 and all other necessary rules be suspended and that C.S.S.B. 227 be taken up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 227**, Relating to licensing disposal sites of the Texas Low-Level Radioactive Waste Disposal Authority.

The motion was lost by the following vote: Yeas 14, Nays 15.

Yeas: Brooks, Edwards, Henderson, Howard, Kothmann, Krier, Leedom, Parker, Parmer, Santiesteban, Sims, Traeger, Whitmire, Williams.

Nays: Barrientos, Blake, Brown, Caperton, Farabee, Harris, Jones, Lyon, McFarland, Mauzy, Montford, Sarpalius, Sharp, Truan, Uribe.

Absent-excused: Glasgow, Washington.

#### **COMMITTEE SUBSTITUTE SENATE BILL 106 ON SECOND READING**

Senator Henderson asked unanimous consent to suspend the regular order of business, Senate Rule 89 and all other necessary rules to take for consideration at this time:

**C.S.S.B. 106**, Relating to local regulation of certain sexually oriented business activities and the punishment for violations.

There was objection.

Senator Henderson then moved to suspend the regular order of business, Senate Rule 89 and all other necessary rules and take up C.S.S.B. 106 for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Mauzy.

Absent: Santiesteban.

Absent-excused: Glasgow, Washington.

The bill was read second time and was passed to engrossment.

#### **RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 106 ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 106 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Mauzy.

Absent: Santiesteban.

Absent-excused: Glasgow, Washington.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1. (Same as previous roll call)

#### **SENATE BILL 213 ON SECOND READING**

Senator Williams asked unanimous consent to suspend the regular order of business, Senate Rule 89 and all other necessary rules to take up for consideration at this time:

**S.B. 213**, Relating to the date on which Memorial Day is celebrated.

There was objection.

Senator Williams then moved to suspend the regular order of business, Senate Rule 89 and all other necessary rules and take up **S.B. 213** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Kothmann, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Brown, Jones, Krier, Sims.

Absent-excused: Glasgow, Washington.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 213 ON THIRD READING**

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 213** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Kothmann, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Brown, Jones, Krier, Sims.

Absent-excused: Glasgow, Washington.

The bill was read third time and was passed.

#### **SENATE BILL 59 ON SECOND READING**

On motion of Senator Lyon and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 59**, Relating to the payment of fines, costs, and fees as a condition of parole.

The bill was read second time.

Senator Lyon offered the following committee amendment to the bill:

Amend **S.B. 59** as follows:

Sec. 1 (g) line 19 by striking "shall" and substituting "may" therefor.

The committee amendment was read and was adopted.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### **SENATE BILL 59 ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 59** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

#### **SENATE BILL 13 ON SECOND READING**

On motion of Senator Sarpalius and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 13**, Relating to the exemption from registration of the sale and issuance of nonprofit cooperative association securities.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 13 ON THIRD READING**

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 13** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**MEMORIAL RESOLUTIONS**

**S.R. 90** - By Montford: Memorial resolution for Andrew Jackson Kemp, Jr.

**S.R. 91** - By Montford: Memorial resolution for Dr. Elton D. Cook.

**S.R. 92** - By Montford: Memorial resolution for George R. Killam.

**S.R. 93** - By Montford: Memorial resolution for Mrs. Juanelle Tubbs.

**CONGRATULATORY RESOLUTIONS**

**S.R. 89** - By Montford: Honoring Earl Bradley.

**S.R. 94** - By Parker: Commending Frank Collins.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:47 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, February 11, 1985.

**EIGHTEENTH DAY**

(Monday, February 11, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Sarpalius.

A quorum was announced present.

Senator Chet Brooks offered the invocation as follows:

Almighty God, we come to Thee today for another day of deliberation in the Senate. Please be with us and be in our hearts. Help us to be strong advocates for what we believe is right, but let us also remember the rights of others. Help us to do Thy will in all things. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 7, 1985, was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Sarpalius was granted leave of absence for today on account of important business on motion of Senator Glasgow.